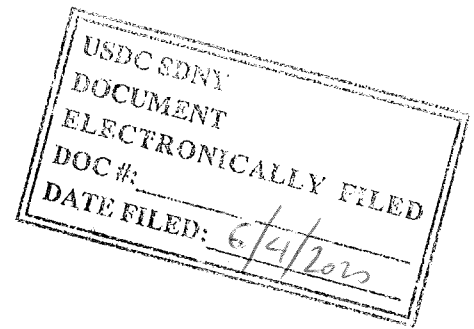


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
UNITED STATES OF AMERICA,

v.

DARIUS MONROE,

Defendant.
-----X

ORDER

18 CR 585-05 (VB)

By Order dated May 21, 2020 (Doc. #88), the Court denied without prejudice defendant Darius Monroe's motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) (See Doc. #87), because defendant's submission did not indicate whether the exhaustion requirement, a prerequisite to making such a motion, had been satisfied.

On June 3, 2020, defendant filed a letter with attachments, which show that on May 19, 2020, defendant made an application to the warden of his facility for compassionate release under Section 3582(c)(1)(A)(i), and that on May 27, 2020, the warden denied the application. (Doc. #90).

Thirty days from when plaintiff made his compassionate release application to the warden of the facility would be June 18, 2020. Thus, thirty days have not yet lapsed. Nevertheless, the Court liberally construes defendant's pro se submission to state that he has exhausted his administrative remedies. In consideration of defendant's pro se status, and the fact that he is in custody, rather than require defendant to re-file his motion for a reduction of sentence, the Court deems the motion re-filed.

Accordingly, by June 22, 2020, the government is directed to file its response to defendant's motion. (Doc. #87). The government is directed to address the merits of the motion.

Chambers will mail a copy of this Order to defendant at the following address:

Darius Monroe, Reg. No. 85814-054
USP Canaan
U.S. Penitentiary
P.O. Box 300
Waymart, PA 18472

Dated: June 4, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti".

Vincent L. Briccetti, U.S.D.J.